

HAMPTON PLANNING BOARD – MINUTES

March 17, 2004

PRESENT: Robert Viviano, Chairman
Tracy Emerick, Vice Chairman
Ken Sakurai, Clerk
Tom Gillick
Keith Lessard
Fran McMahon, Alternate
Jim Workman, Selectman Member
Jennifer Kimball, Town Planner

ABSENT: Tom Higgins

Mr. Gillick called the meeting to order at 7:00 p.m. by introducing the Board members. He introduced Board members and congratulated Mr. Keith Lessard on his re-election to the board and welcomed newly elected Mr. Ken Sakurai to the Board. He also welcomed former Planning Board chair Mr. Jim Workman back to the Board as the Selectman's Representative. Mr. Gillick then asked Mr. Sakurai to lead the Pledge of Allegiance.

Mr. Gillick then thanked the Board for its help and cooperation during his time as its Chair. He noted that the Hampton Beach Master Plan had been adopted as part of the town Master Plan; that the Capital Improvement Plan process has grown in significance as part of the Town planning and budgeting process; that the Impact Fee ordinance had been adopted in its enabling phase and that the consultant was about to present to the Board the monetary suggestion criteria. Mr. Gillick then expressed his great pleasure that he had been able to participate in the selection and hiring process for the Town's first time Planner, Mrs. Jennifer Kimball.

Mr. Gillick noted that his duties as a State Representative, his representation of Hampton on the New Hampshire Estuaries Project Management committee, his recent appointment to the State Equalization Standards Board by the Speaker of the House, and service on other Public Boards and Committees would no longer enable him to devote proper attention to Executive duties on the Planning Board and so he requested that the Board not consider him further for such positions. Mr. Gillick then asked Mr. Workman to assume the Chair for the purpose of reorganizing the Board.

I. REORGANIZATION OF BOARD:

Introduction of new Board Members and election of officers.

Mr. Workman asked for nominations for Chairman. Mr. K. Lessard nominated Mr. Viviano. Mr. Sakurai **MOTIONED** Mr. Viviano be elected as Chairman. Mr. Emerick **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mr. Workman then offered the Chair seat to Mr. Viviano.

Mr. Viviano asked for nominations for Vice Chairman. Mr. Gillick nominated Mr. Emerick. Mr. Gillick **MOTIONED** Mr. Emerick be elected as Vice Chairman. Mr. K. Lessard **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Viviano asked for nominations for Clerk. Mr. Workman nominated Mr. Sakurai. Mr. Workman **MOTIONED** Mr. Sakurai be elected as Clerk. Mr. K. Lessard **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

II. CONTINUED PUBLIC HEARINGS:

4. Lincolnshire Realty, LTD (Palm Beach, FL)
Site Plan Review to erect 2 Warehouse Buildings with utilities, access road,
& 23 parking spaces, and
Special Permit to construct a 12' wide access driveway at
343 Exeter Road
Map 51, Lot 3
Owner of Record: Lincolnshire Realty, LTD (Nassau Bahamas)
Jurisdiction accepted February 18, 2004, extended by the applicant
5. Lincolnshire Realty, LTD (Palm Beach, FL)
Special Permit to construct a 12' wide access driveway at
343 Exeter Road
Map 51, Lot 3
Owner of Record: Lincolnshire Realty, LTD (Nassau Bahamas)

Mr. Viviano read a letter dated January 21, 2004 from Jessica Winston, Associate Engineer from Millette, Sprague, & Colwell, Inc. requesting this application be heard at the April 21, 2004 meeting. Mr. K. Lessard **MOTIONED** to continue the above applications, at the applicant's request, to the April 21, 2004 Planning Board meeting. Mr. Sakurai **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Additionally, Mrs. Kimball noted that the applicant has agreed to extend the jurisdictional period as necessary.

1. Caddy Shack, LLC
Site Plan Review to remodel interior of existing building & convert to a restaurant with a
drive-through window **
** proposal to change pending application to a restaurant AND retail space at
369 Lafayette Road
Map 175, Lot 2
Owner of Record: Same as Above
Jurisdiction accepted February 4, 2004
2. Caddy Shack, LLC
Special Permit to remove & add asphalt within the Wetlands Conservation District at
369 Lafayette Road
Map 175/160, Lot 2/35
Owners of Record: Caddy Shack, LLC & Village at Hampton Center Condominium

Mr. McMahon steps in for Mr. Higgins.

Attorney Peter Saari of Casassa & Ryan introduced himself as representing the applicant. Also present were Mr. Joe Coronati of Jones & Beach Engineers, Inc., Steve Pernaw of Pernaw & Co., and Mr. F. Giles Ham of Vanasse Associates. Attorney Saari invited Mr. Pernaw up and stated he would be speaking on behalf of the applicant on traffic studies regarding the Caddy Shack project. Mr. Viviano invited Mr. Ham to sit with the board and stated he would speak on behalf of the Board on traffic studies. It was Board consensus that Mr. Pernaw would begin.

Mr. Pernaw introduced himself and proceeded to summarize the overall report dated March 15, 2004. Mr. Pernaw provided flip charts regarding this project and reviewed them as he explained the traffic study was done on Lafayette Road at a peak time frame for this area (August). He explained the daily volume between Monday through Friday, monitored from 7-9 a.m. and evening from 4-6 p.m. showed consistency with 18,000-19,000 cars a day (Friday being the highest with 21,600). The highest traffic volume was between 8-9 a.m. and 4-5 p.m. on any given day. The weekend traffic statistics were lower.

The predominant direction was Northerly in the morning (and opposite in the evening). Mr. Pernaw also discussed estimated trips and capture rate figures based on the business of a donut shop and sandwich shop (which is now being changed). Additionally, there was intersection analysis highlights regarding standing queues, rolling queues (courteous drivers, versus aggressive drivers), right turns out and left turns in, etc..., and sight distance measures and photos were provided on the flip charts as well. There was considerable Board discussion and concerns were raised regarding the drive through window: pedestrian safety issues; cars stacking up on the site and out onto Lafayette Road; the conflict with the vehicles using the strip mall across (Brooks Drugs); the build up for the left turn in (SouthBound traffic) with no center lane; on site parking being blocked by drive through traffic.

Mr. Ham introduced himself and asked for Mr. Pernaw provide more specific documentation of assumptions and concerns regarding vehicles on queue. He suggested there would be a wait time of 1-3 cars to turn into the site. Mr. Ham also suggested monitoring other Dunkin Donut shops patterns and specifically address the onsite circulation as well.

There was additional Board discussion regarding: width of Lafayette Road; dumpster and snow storage conflicts; product delivery access. Mr. Ham stated the SouthBound lane is 20' wide (both lanes total 40' width). Mr. Ham and Mr. Pernaw agreed, although there is no center turn lane, there is sufficient room for a vehicle to pass (provided it is not a large truck, or a vehicle sitting crooked).

OPEN PUBLIC HEARING: NO COMMENT SUSPEND PUBLIC HEARING.

Mr. Viviano asked for Board comments. Mrs. Kimball reviewed departmental comments from Ambit, Vanasse, Highway Safety (via email), also, comments from Fire and Police. Mrs. Kimball also addressed the Conservation Commission, as well as the Department of Public Works memo and asked for clarification of the Conservation Commission requirement of an etched moat under the drive through window. Mr. Coronati explained the purpose of the moat is to catch drips from vehicles into the basin and rain would dilute it somewhat before it goes into the drainage system. He stated this would be addressed on the revised plans as well as the snow storage, dumpster, and fencing concerns. There was Board discussion of parking space ordinance requirements and Mrs. Kimball stated these figures may change now that the applicant is revising the use to restaurant and retail space. Mr. Emerick **MOTIONED** to continue the Caddy Shack, LLC applications to the April 21, 2004 Planning Board meeting subject to:

- 1) Submittal of revised plans, and
- 2) Review and comment of revised plans from the necessary Town Departments and independent reviews.

Additionally, the Board has acknowledged the amendment of the referenced application to a Restaurant and Retail space and understands that the applicant has agreed to extend the jurisdictional period as necessary. Mr. K. Lessard **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

II. CONTINUED PUBLIC HEARINGS:

3. Tower Venture/Omnipoint Holdings/Nextel Communications/Cingular Wireless
Site Plan Review to construct a wireless telecommunications facility at
77 Tide Mill Road
Map 241, Lot 8
Owner of Record: Saint James Building Association

Mr. Emerick and Mr. Workman step down for this application.

Attorney John Springer of Shaines & McEachern introduced himself as representing the applicant. Mr. Bill McQuade of Tower Venture was present as well. Attorney Springer proceeded by discussing the Boards prior denial of the drainage calculation waiver and the applicant has submitted a revision. Mrs. Kimball clarified the previous department comments. Additionally, Mrs. Kimball stated there was an appeal filed by the abutters in opposition to the Zoning Board decision. She stated that the Zoning variance stands unless a Judge decides to overturn it. Mrs. Kimball stated if the Board wanted to take action on this application, a condition would be the Zoning variance be upheld. Additionally, Mrs. Kimball stated a redacted lease was submitted by the applicant, as well as two estimates regarding the surety for dismantling. Mr. Viviano asked for Board comments. Mr. K. Lessard was concerned about safety inspections and maintenance scheduling. There was discussion of exactly what is monitored and suggestions for what maintenance scheduling would be required as conditions.

OPEN PUBLIC HEARING:

Mrs. Ann Carnaby of 54 Tide Mill Road introduced herself. Mrs. Carnaby suggests the Board consider this project may not meet the Town's needs as there may be necessity for a larger tower in addition to this one. She stated other concerns of safety; lighting; no knowledge of below ground needs (i.e. foundation, product length below sea level, etc...).

Mr. Mike Corrigan of 78 Tide Mill Road introduced himself. Mr. Corrigan stated concerns of the maintenance plan of the tower; safety of the residential area; the project being conducive to corrosion at the marsh; arrays at the same level; spindles projected outward (should be upright); and consider other site options.

Mr. Nathan Page of 200 Drakeside Road introduced himself. Mr. Page is the President of the St. James Lodge and suggest the Board make comparisons of the Seabrook Power Plant towers and after 20 years withstanding all weather conditions they have had no incidents of major repairs, no towers falling, and no rusted parts.

CLOSE PUBLIC HEARING.

Mr. Viviano asked for additional Board comments. Attorney Springer clarified there would be no lighting on the site. Mr. McQuade stated there would be motion detector lights for safety issues. Mr. McQuade stated the foundation will not be designed until the drill rate, soils, and other site findings are determined. Mr. Gillick **MOTIONED** to accept jurisdiction of the Tower Venture/Omnipoint Holdings/Nextel Communications/Cingular Wireless Site Plan Application. Mr. K. Lessard **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mr. McMahon **MOTIONED** to approve the Tower Venture/Omnipoint Holdings/Nextel Communications/Cingular Wireless Site Plan Review Application of plan #NH 02005, revision #F, dated 2/13/04 subject to:

- 1) Final approval of all necessary permits and Zoning Board of Adjustment decision upheld,
- 2) Submittal of initial testing of field EMF measures, and subsequent testing, to be submitted annually to the Planning Board,
- 3) Landscaping per plans sheet C-1,
- 4) Conditions set forth in Fire Department memo dated 2/3/04 (enclosed),
- 5) Final mylar of sheet C-1 and recording fees,
- 6) Planning Board signature block on sheet C-1,
- 7) Inspection of tower for fatigue every two years, and in the event of a hurricane or significant seismic event,
- 8) Receipt of a dismantling surety in the amount of \$20,000.00 that will be reviewed and renewed every 5 years. Additionally, Surety documents to be reviewed by Town Counsel, and
- 9) No more than 5 arrays allowed without further review by the Planning Board.

Mr. K. Lessard **SECONDED. VOTE: 4 = YES / 1 = OPPOSED** (Mr. Sakurai). **MOTION PASSES IN THE AFFIRMATIVE.**

II. ATTENDING TO BE HEARD:

1. 592 Development
Use Change Application to convert from Hair Salon to Retail Store (carpet sales) at
592 Lafayette Road
Map 126, Lot 51
Owner of Record: Same as Above

Mr. Brad Richards was not present when this application was called and it was Board consensus to contact him for a future date when he would be able to bring this project before the Board.

2. John Privertera
Use Change Application to convert from Motel (office) to Restaurant (breakfast shop) at
86 Ashworth Avenue
Map 287, Lot 43
Owner of Record: Same as Above

Mr. Privertera introduced himself. He proceeded to explain the use change application as converting an office to a restaurant holding under 50 seats and making interior changes only. There was Board discussion as to the location and code requirements. Mr. Privertera stated the restaurant is located immediately South of the parking lot next to the Westport and will have a full service kitchen that will have to pass all codes requirements before open for business. Mr. Privertera also stated he will be converting the existing motel office to a restaurant and move the office into a guestroom located on the first floor. Mr. K. Lessard **MOTIONED** to approve the John Privertera Use Change Application to convert from Motel (office) to Restaurant (breakfast shop) at 86 Ashworth Avenue, Map 287, Lot 43. Additionally, it is the understanding of the Board that Mr. Privertera will convert the existing motel office to a restaurant and move the office into a guestroom located on the first floor. Mr. Emerick **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

IV. CONSIDERATION OF MINUTES – FEBRUARY 18, 2004:

Mr. K. Lessard **MOTIONED** to accept the minutes as written. Mr. Emerick **SECONDED. VOTE: 4 = YES / 3 = ABSTAIN** (Mr. McMahon, Mr. Sakurai, & Mr. Workman). **MOTION PASSES IN THE AFFIRMATIVE.**

IV. CONSIDERATION OF MINUTES – MARCH 3, 2004:

Postponed to the April 7, 2004 Planning Board meeting.

V. CORRESPONDENCE:

- 1) NHOEP Planning and Zoning Conference:
Mrs. Kimball stated the New Hampshire Office of Energy and Planning, Planning & Zoning Conference is scheduled for May 8, 2004 in Concord, NH. Registration forms were distributed to the Board members and those interested should return the completed registration form to Jennifer or Janine no later than April 14, 2004.
- 2) Conservation Commission Round Table:
Mrs. Kimball noted the Conservation Commission Roundtable is scheduled for Wednesday, March 31, 2004 at Hampstead Town Hall. An invitation card is at the Planning Office if anyone is interested in further details.

3) WCV, Inc. – K Street Project:

Mrs. Kimball read a memo dated March 3, 2004 from Attorney Craig Salomon. Attorney Salomon stated concerns for the applicant regarding extending drainage on the WCV, Inc. property and the possibility of a future condominium project in the area proposing a 15 inch drainage pipe. Attorney Salomon suggests this 15 inches may be inadequate. Mr. Viviano and Mrs. Kimball suggest the Board consider having Attorney Salomon attend the next Planning Board work session meeting scheduled for March 24, 2004 and will invite Department of Public Works Director, Mr. John Hangen.

4) Bank of New Hampshire – 40 High Street:

Mrs. Kimball read two letters dated March 9 & March 15, 2004 from Mr. Bradford Jones, Vice President of Jones & Beach Engineers, Inc. regarding the existing drainage and design of a new storm water collection system that will decrease storm water run off into the High Street system and require changes to the existing parking spaces. Mr. Viviano suggested the Board consider retrieving and sending the previously approved Site Plan, along with the current proposal to Department of Public Works Director, Mr. John Hangen for review and comment.

VI. OTHER BUSINESS:

Mrs. Kimball stated the Board is scheduled to meet for the Impact Fee work session on March 24, 2004 at 7:00 p.m. in the Town Meeting room. There will be a hand out prepared for the Board members and distributed to their folders located at the Planning Office.

Mrs. Kimball suggested the Board consider sending a reminder letter to Mr. Foss of Foss Manufacturing regarding his request for a one year extension and his invitation to come before the Board to review his continued plans for the development of the 400 Lafayette Road site. Mr. Viviano asked for Board consensus and it was agreed upon to send another letter.

Mr. Gillick **MOTIONED** to adjourn. Mr. Sakurai **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 9:30 p.m.

Respectfully Submitted,
Janine L. Fortini
Planning Board Secretary